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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   )  
10    )     CASE NO. MJ 10-495  
11       Plaintiff,                                      )  
12    )  
13       v.    )  
14       LEOBARDO VALDIVIA-JUAREZ,                   )  
15    )  
16       Defendant.                                      )  
17    )  
18    )  
19    )

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20       Offense charged:   Illegal Reentry after Deportation

21       Date of Detention Hearing:   December 1, 2010

22       The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
23 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
24 that no condition or combination of conditions which defendant can meet will reasonably assure  
25 the appearance of defendant as required and the safety of other persons and the community.

26                   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

- 27       (1)    Defendant is reportedly a citizen of Mexico.  
28       (2)    The United States alleges that his presence in this country is illegal. There is an

01 immigration detainer pending against him. The issue of detention in this case is therefore  
02 essentially moot, as the defendant would be released to immigration custody if not detained in  
03 this case.

04 (3) Defendant and his counsel offer no opposition to the entry of an order of detention.

05 (4) Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.

06 Therefore, there is limited information available about him.

07 (5) There does not appear to be any condition or combination of conditions that will  
08 reasonably assure the defendant's appearance at future Court hearings while addressing the  
09 danger to other persons or the community.

10 It is therefore ORDERED:

11 (1) Defendant shall be detained pending trial and committed to the custody of the  
12 Attorney General for confinement in a correction facility separate, to the extent  
13 practicable, from persons awaiting or serving sentences or being held in custody  
14 pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the  
18 Government, the person in charge of the corrections facility in which defendant  
19 is confined shall deliver the defendant to a United States Marshal for the purpose  
20 of an appearance in connection with a court proceeding; and

21 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
22 counsel for the defendant, to the United States Marshal, and to the United States

01                   Pretrial Services Officer.

02                   DATED this 1st day of December, 2010.

03                     
04                   Mary Alice Theiler  
05                   United States Magistrate Judge